

1 **KIRK-HUGHES & ASSOCIATES**  
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6 Attorneys for Debtor

7 **UNITED STATES BANKRUPTCY COURT**

8 **FOR THE DISTRICT OF NEVADA**

9 In re: ) CASE NO.: BK-S-10-10004-BAM  
10 ) Chapter 11  
GERALDINE KIRK-HUGHES, )  
11 )  
Debtor. ) Date: OST PENDING  
12 ) Time: OST PENDING

13 **EX PARTE APPLICATION FOR ORDER SHORTENING TIME FOR HEARING**  
14 **ON DEBTOR'S MOTION TO SELL 1820 LaVERNE CIRCLE, LAS VEGAS,**  
15 **NEVADA, AND 5697 E. ARIPA ROAD, HARRISON, IDAHO, AND**  
**TO LIFT THE STAY AS TO THESE TWO PROPERTIES ONLY**

16 Debtor GERALDINE KIRK-HUGHES by and through her  
17 attorneys, **LAW OFFICES OF KIRK-HUGHES & ASSOCIATE/PRO SE**,  
18 hereby submits this Ex Parte Application for an Order  
19 Shortening Time for Hearing Debtor's Motion to Sell 1820  
20 LaVerne Circle, Las Vegas, Nevada, and 5697 E. Aripa Road,  
21 Harrison, Idaho.

23 This Application is made and based on the following  
24 Points and Authorities, the Declaration of the Debtor in  
25 support thereof and the pleadings and papers on file herein.

26 **WHEREFORE**, Counsel respectfully requests that this  
27 Honorable Court hear the above-cited Motion on shortened  
28

1 notice and such other and further relief as may be just and  
2 proper.

3 DATED this 16<sup>th</sup> day of August, 2010.

4 **KIRK-HUGHES & ASSOCIATES**

5 */s/ Geraldine Kirk-Hughes*

6  
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16 **POINTS AND AUTHORITIES**

17 **Introduction:**

18 The Debtor acting in Proper Person brings this Application  
19 on for hearing pursuant to Local Bankruptcy Rule 9006 seeking an  
20 Order shortening time for notice and hearing for the Motion to  
21 sell two properties owned as investments by the Debtor. This  
22 Application is further based on the Declaration of the Debtor,  
23 Geraldine Kirk-Hughes, filed in support hereof and attached  
24 hereto as **Exhibit 1**, which is incorporated by reference herein.

25 The request for shortened time results from the Debtor's  
26 need to sell these two (2) properties as soon as possible in  
27 order to take advantage of the Short Sales tentatively approved  
28 by BAC and to not lose the buyers interested in the LaVerne and  
Aripa properties. Secondly, these sales will allow the Debtor

1 to modify her Chapter 11 Plan thereby making it a viable Plan  
2 that would be acceptable to her Creditors and to the Court.

3       Given that the Debtor has qualified buyers and that BAC  
4 Home Loans Servicing, the beneficiary and holder of the  
5 Promissory Notes, has conditionally approved the short sales  
6 once the Court approves the sales, it is requested that this  
7 Court hear the Debtor's Motion at its earliest convenience.  
8 An expedited hearing of the Motion is in the best interest of  
9 the Debtor and the Creditors.  
10

11       Copies of the Debtor's Motion to Sell and to Lift Stay  
12 have been served on the Secured Creditors or their Counsel if  
13 known, on the Parties who requested Special Notice or their  
14 Counsel if known, on the Las Vegas Office of the U.S. Trustee,  
15 on the Las Vegas Office of the IRS and on the Los Angeles  
16 Regional Office of the Security and Exchange Commission.  
17

18 **Bankruptcy Rule 9006 and Due Process Requirements:**

19       The proposed shortening of time will not adversely impact  
20 any Party's ability to respond to the Motion, since the  
21 Parties have had Notice of the Motion as described above.  
22 Further, the proposed shortening of time will still allow for  
23 compliance with Federal Rules of Bankruptcy Procedure (FRBkP)  
24 4001(d)(2) which provides that Objections, if any, to the  
25 Motion may be filed and served within the time fixed by the  
26 Court.  
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1 Federal Rule 9006(c)(1) and (d) authorize this Court to  
2 reduce the time for a Hearing as well as for a Party to file  
3 an Ex Parte Motion to Shorten Time for a Hearing. FRBkP  
4 9006(c)(1) states in pertinent part:

5 (c) Reduction.

6 (1) In General. Except as provided in paragraph (2)  
7 of this subdivision, when an act is required or  
8 allowed to be done at or within a specified time by  
9 these rules or by a notice given thereunder or by  
10 order of court, the court for cause shown may in its  
discretion with or without motion or notice order the  
period reduced.

11 Courts have generally acknowledged that such expedited  
12 relief does not violate an individual's Due Process Rights,  
13 even if the Motion is an Ex Parte Motion for an Order  
14 Shortening Time. Based on "cause shown", Rule 9006 permits the  
15 Bankruptcy Court to use its discretion in granting or denying a  
16 Motion for an Order Shortening Time. More importantly is the  
17 fact that such Ex Parte Motions are usually granted by  
18 Bankruptcy Courts. In re Gledhill, 76 F.3d 1070 (10<sup>th</sup> Cir.Utah  
19 (1996); 9 *Collier on Bankruptcy* 9006.07 (Lawrence P. King ed.,  
20 15<sup>th</sup> ed. 1995)

21  
22 The Debtor contends that the Court's decision to shorten  
23 time in which to hear her Motion to Sell is essential in order  
24 for the Debtor to take advantage of the two (2) qualified  
25 buyers and the short sales tentatively offered by BAC Home  
26 Loans Servicing, LP.  
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1 The Debtor has consulted the Parties as shown on the  
2 Attorney Information Sheet for Proposed Order Shortening Time,  
3 which is filed concurrently herewith and incorporated by  
4 reference herein.

5 **Conclusion:**

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7 The Debtor in Proper Person respectfully requests this  
8 Honorable Court to hear her Motion to Sell on an Order  
9 Shortening Time and to grant such other and further relief as  
10 may be just and proper.

11 DATED this 16<sup>th</sup> day of August, 2010.

12  
13 **KIRK-HUGHES & ASSOCIATES**

14 */s/ Geraldine Kirk-Hughes*

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**EXHIBIT 1**

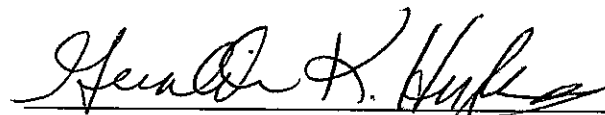
**DECLARATION OF GERALDINE KIRK-HUGHES**  
**AFFIRMING REQUESTED RELIEF**

STATE OF NEVADA       )  
  ) SS:  
COUNTY OF CLARK       )

I, Geraldine Kirk-Hughes, declare under penalty of perjury that I am competent to make this Declaration under the laws of the United States and the State of Nevada; that I have read the above Ex Parte Application to Shorten Time and that the facts stated therein are true and correct as attested to by my own personal knowledge, except for those matters attested to upon information and belief; and as to those matters, I believe them to be true.

DATED this 16<sup>th</sup> day of August, 2010.

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